

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

November 8, 2016

CALL TO ORDER: 8:00 pm

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch, Robert Bartolotta and James Michalski

ALSO PRESENT: Clerk, Katherine Lloyd

DISPOSITION OF MINUTES

- Minutes of June 14, 2016 were not ready.
- Minutes of October 11, 2016
Vote total changed on the motion that approved the minutes of September 13, 2016 from 4-0 to 5-0, according to Roberts' Rules.

MOTION: Mark Kotoch moved to approve the Minutes of October 11, 2016 as corrected.
Seconded by Robert Bartolotta.
Roll call: Ayes unanimous.
Motion passes 5/0.

CORRESPONDENCE

Notification dated 11/3/16 sent to News-Herald re: November 8, 2016 BZA meeting.
Letters dated 10/13/16 from BZA RE: Case 2016-3 at 29010 Chardon Road.
Letters dated 10/13/16 from BZA RE: Case 2016-4, Case 2016-5 and Case 2016-6 at 2567 Dodd Road.
Letter dated 10/13/16 from BZA RE: Case 2016-8 at 32315 White Road - will be corrected and re-mailed.
Letter dated 10/13/16 from BZA RE: Case 2016-9 at 38705 Chardon Road.
Letter dated 10/13/16 from BZA RE: Case 2016-10 at 2795 Oak Street.
Letter dated 10/14/16 from BZA RE: Case 2016-11 at 2592 River Road

CASE 2016-12

Donna M. Dolsen, 36141 Eddy Rd., Willoughby Hills, requests a variance to construct a 10' Covered Porch in front & 2nd floor addition to a nonconforming house built in 1942 with a 48.77' setback from the ROW.
Section 1121.04(a) of the Codified Ordinances requires additions to a non-conforming building to conform to the regulations of the district. Section 1133.04 (a)(7) Schedule 1133.04(a) requires a minimum 75' setback from the edge of the ROW.

Notice was mailed to property owners within 500 feet of said property. Drawings were available for review in the lobby of City Hall. Legal notice was advertised in The News-Herald on October 29, 2016.

PRESENT: William and Donna M. Dolsen and Daniel Dolsen (son)

Stated reason for variance request:

The house sits at an angle on the property and a portion of the front wall projects 2' further out, so the front porch will be 8' out from the house on one side and 10' out on the other side. A second floor will be put on. The combined look will be a 1 ½ story home with outdoor living space on a usable front porch. Currently, the house is not livable.

Board's Discussion:

The BZA application showed Daniel Dolsen as the appellant but the application signature was Donna Dolsen. Therefore, the notice reads 'Donna Dolsen'. Mr. & Mrs. Dolsen own the house. Their son, Daniel Dolsen and his family will live there.

The site plan has been updated and a survey has been done since the application was first submitted. The applicant amended the starting point for the appeal to 8'. The majority of the requested 10-ft covered porch will be 10' with the offset. The appeal is about encroaching into the front setback.

The Board used the surveyor's drawing in its determination, not the architectural drawing that was originally submitted. The survey was done from the ROW. There are stakes at the ROW with red tape on them. In the survey drawing, the set of steps that protrude appear to be behind the line. The overhang of the porch with no gutter shown would be the furthest point from the house. There are houses on the street that are closer to the street than what applicant proposes.

Applicant amended her request to 47' to the overhang.

Public Portion for Case 2016-01 opened at 8:25 p.m.

No one from the Public was in attendance.

Public Portion for Case 2016-01 closed at 8:25 p.m.

MOTION: Mark Kotoch moved that the Board approve Case 2016-12 as amended and grant a variance for the property located at 36141 Eddy Rd. for a 47 ft. setback from the right of way to the overhang of the porch addition in the front and for a second floor addition to the rest of a non-conforming home due to the uniqueness of the neighborhood and the setbacks in the area. The Architectural Review Board has already approved the second floor addition.
Seconded by Bob Bartolotta
Roll call: Ayes unanimous.
Motion passes 5/0.

The request is granted. Applicant will contact the Building Commissioner for the Building Permit. The decision of the BZA is good for one year.

"Decisions of the Board of Building and Zoning Appeals shall be final within the Municipality, except that an appeal therefrom may be taken to any court of record in accordance with laws of the State of Ohio, by any proper and interested party including the Municipality."

UNFINISHED BUSINESS

None

NEW BUSINESS

None

CHAIRMAN'S COMMENTS

- The Building Commissioner advised Chairman Cihula that the request on Dodd Rd. for the sheds and the addition on the back has been completed. He has inspected it, approved it and closed everything out.
- So far, there are no appeals for the December 13th meeting.
- The 28th Annual APA Planning and Zoning Workshop on Friday, Nov. 4th was attended by Mr. Cihula, Mr. Michalski, Building & Zoning Commissioner Wyss, Councilman Hallum and the BZA/PZABR Clerk, Ms. Lloyd,

MOTION: Mark Kotoch moved to adjourn.
Seconded by John Klements.
Voice vote: Ayes unanimous.
Motion passes 5/0

Meeting adjourned at 8:31 PM

Note that it is the policy of the Board to make site visits to guide them in making their decisions.
Note that BZA meetings are recorded and recordings are considered a public record.

Katherine Lloyd
Clerk

Frank Cihula
Chairman

1-10-2017
Date approved: